

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)

FINAL STATEMENT OF REASONS

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 7,  
New Section 3324 of the General Industry Safety Orders

Horizontal Sliding GatesMODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 45-DAY COMMENT PERIOD

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently related modifications, which are the result of comments and/or Board staff evaluation.

Section 3324(b) and (c)

Proposed Section 3324 addresses requirements for positive stops that would limit the travel of horizontal sliding gates to the designed fully open or closed position and thus, mitigate the hazard of a gate falling onto an employee and causing fatal or serious injury. Subsection (c) as originally proposed would require that horizontal sliding gates to be inspected by a qualified person to ensure that gates are maintained in safe operating condition.

Modifications are proposed for clarity that would delete subsection (c) as originally proposed and move the requirements to maintain positive stops and devices by a qualified person to subsection (b).

Summary and Response to Written and Oral Comments:

Mr. Frank Strasheim, Regional Administrator, U.S. Department of Labor, Occupational Safety and Health Administration, Region IX, by letter dated April 6, 2007.

Comment:

Federal OSHA reviewed the proposed changes for horizontal sliding gates and indicated that the proposed standard is more effective than the federal standard.

Response:

The Board thanks Mr. Strasheim and Federal OSHA for their input and for their participation in the rulemaking process.

II. Oral Comments

There were no oral comments received from the public at the May 17, 2007, Public Hearing, however Board Member William Jackson expressed a concern regarding proposed Section 3324(c).

Mr. William Jackson, Board Member

Mr. Jackson asked how frequently the inspection by a qualified person as specified in subsection (c) was to take place. He suggested that the frequency of inspection be specified in the standard.

Response

This standard applies to a broad range of horizontal sliding gates some of which are used very infrequently in remote areas such as utility plants or rural settings such as agricultural properties. Other gates are located in industrial areas and are used on a frequent and daily basis. Board staff believes it is very difficult to select specific inspection intervals that would be appropriately applicable to the wide range of situations in which these gates are used. Board staff and the Division of Occupational Safety and Health believe that Section 3203(a)(4) and (6) adequately address responsibilities to identify unsafe gate conditions and make necessary corrections or repairs. Therefore, modifications are proposed for clarity that would delete subsection (c) as originally proposed and that would move the requirements to maintain positive stops and devices by a qualified person to subsection (b).

The Board thanks Mr. Jackson for his comments and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standards. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.